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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,209	10/27/2000	Takefumi Nagumo	450100-02802	8273

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 06/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,209

Applicant(s)

NAGUMO ET AL.

Examiner

Andy S. Rao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Drawings

1. The informal drawings are of sufficient quality to permit examination. However, formal drawings will need to be submitted when the application is placed in a condition for allowance.

Specification

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Negishi et al., (hereinafter referred to as "Negishi")

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Negishi discloses a signal processing device for multiplexing first and second bit streams comprising: a dividing means for dividing said second bit stream into predetermined units (Negishi: column 3, lines 10-25); an adding means for adding a start code (Negishi: column 3, lines 25-35) to each of said units obtained by dividing said second bit stream (Negishi: column 5, lines 45-55); and a multiplexing means for defining a user operable region in said first bit stream and multiplexing and recording at least a part of said second bit stream on said user operable region (Negishi: column 8, lines 45-60), as in claim 1.

Regarding claim 2, Negishi discloses that start code includes time information (Negishi: column 3, lines 215-35; column 6, lines 15-23), as claimed.

Regarding claim 3, Negishi discloses that the time information is the display time or decoding time (Negishi: column 5, lines 35-40), as in the claim.

Regarding claim 4, Negishi disclose that the dividing means divides said bit stream into units if frames or those of a plurality of frames (Negishi: column 1, lines 34-59), as in the claim.

Negishi discloses a signal processing method for multiplexing first and second bit streams comprising: a dividing step for dividing said second bit stream into predetermined units (Negishi: column 3, lines 10-25); an adding step for adding a start code (Negishi: column 3, lines

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25-35) to each of said units obtained by dividing said second bit stream (Negishi: column 5, lines 45-55); and a multiplexing step for defining a user operable region in said first bit stream and multiplexing and recording at least a part of said second bit stream on said user operable region (Negishi: column 8, lines 45-60), as in claim 5.

Regarding claim 6, Negishi discloses that start code includes time information (Negishi: column 3, lines 215-35; column 6, lines 15-23), as claimed.

Regarding claim 7, Negishi discloses that the time information is the display time or decoding time (Negishi: column 5, lines 35-40), as in the claim.

Regarding claim 8, Negishi disclose that the dividing means divides said bit stream into units if frames or those of a plurality of frames (Negishi: column 1, lines 34-59), as in the claim.

Negishi discloses a recording medium for storing a program for multiplexing first and second bit streams (Negishi: column 8, lines 20-40), comprising: a dividing step for dividing said second bit stream into predetermined units (Negishi: column 3, lines 10-25); an adding step for adding a start code (Negishi: column 3, lines 25-35) to each of said units obtained by dividing said second bit stream (Negishi: column 5, lines 45-55); and a multiplexing step for defining a user operable region in said first bit stream and multiplexing and recording at least a part of said second bit stream on said user operable region (Negishi: column 8, lines 45-60), as in claim 9.

Regarding claim 10, Negishi disclose that the dividing means divides said bit stream into units if frames or those of a plurality of frames (Negishi: column 1, lines 34-59), as in the claim.

Negishi discloses a decoding device adapted to decode a multiplexed bit stream (Negishi: column 1, lines 30-60), comprising: a means for detecting the user operable region in said in said multiplexed bit stream (Negishi: column 8, lines 45-60) and extracting the data contained in said

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user operable region (Negishi: column 6, liens 10-23): a converting means for conducting a predetermined converting operation on said data contained in said user operable region and restoring the second bit stream (Negishi: column 1, lines 50-60; column 3, lines 10-25); and a decoding means for decoding said first bit stream contained in said multiplexed bit stream except said user operable region and said second bit stream (Negishi: column 2, lines 1-35), means for as in claim 11.

Negishi discloses a decoding method adapted to decode a multiplexed bit stream (Negishi: column 1, lines 30-60), comprising: a step for detecting the user operable region in said in said multiplexed bit stream (Negishi: column 8, lines 45-60) and extracting the data contained in said user operable region (Negishi: column 6, liens 10-23): a converting step for conducting a predetermined converting operation on said data contained in said user operable region and restoring the second bit stream (Negishi: column 1, lines 50-60; column 3, lines 10-25); and a decoding step for decoding said first bit stream contained in said multiplexed bit stream except said user operable region and said second bit stream (Negishi: column 2, lines 1-35), means for as in claim 12.

Negishi discloses a recording medium storing a program for decoding a multiplexed bit stream (Negishi: column 1, lines 30-60), said program comprising: a step for detecting the user operable region in said in said multiplexed bit stream (Negishi: column 8, lines 45-60) and extracting the data contained in said user operable region (Negishi: column 6, liens 10-23): a converting step for conducting a predetermined converting operation on said data contained in said user operable region and restoring the second bit stream (Negishi: column 1, lines 50-60; column 3, lines 10-25); and a decoding step for decoding said first bit stream contained in said

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multiplexed bit stream except said user operable region and said second bit stream (Negishi: column 2, lines 1-35), means for as in claim 13.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson discloses a protocol and procedure for time base change in MPEG-2 compliant data stream. Zhang discloses system and method for transcoding multiple channels of compressed video streams using a self-contained data unit. Ando discloses a data structure of stream data, and recording and playback method thereof. Ashley discloses frame-accurate editing of encoded A/V sequences. Kato discloses digital signal coding method and apparatus.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-6606 for regular communications and (703)-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-4700.

Andy S. Rao
Primary Examiner
Art Unit 2613

ANDY RAO
PRIMARY EXAMINER



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June 24, 2003